

by regulation what constitutes a reasonable time for the purposes of subparagraph (A) and what manner of correction is sufficient for purposes of subparagraph (A). The Secretary shall issue a final rule under this subparagraph within 90 days of the date of the enactment of this section.

(C) **EFFECTIVE DATE.**—Subsection (a) shall not take effect before the final rule under subparagraph (B) takes effect.

(b) **COORDINATION WITH DEPARTMENT OF JUSTICE.**—The Attorney General may bring an action, or initiate grand jury proceedings, for a violation of subsection (a) only at the request of the Secretary of Transportation.

(Added Pub. L. 106–414, §5(b)(1), Nov. 1, 2000, 114 Stat. 1803.)

#### REFERENCES IN TEXT

Section 1365(g)(3) of title 18, referred to in subsec. (a)(1), was redesignated section 1365(h)(3) of title 18 by Pub. L. 107–307, §2(1), Dec. 2, 2002, 116 Stat. 2445.

The date of the enactment of this section, referred to in subsec. (a)(2)(B), is the date of enactment of Pub. L. 106–414, which was approved Nov. 1, 2000.

### CHAPTER 303—NATIONAL DRIVER REGISTER

| Sec.   |  |
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#### § 30301. Definitions

In this chapter—

(1) “alcohol” has the same meaning given that term in regulations prescribed by the Secretary of Transportation.

(2) “chief driver licensing official” means the official in a State who is authorized to—

(A) maintain a record about a motor vehicle operator’s license issued by the State; and

(B) issue, deny, revoke, suspend, or cancel a motor vehicle operator’s license issued by the State.

(3) “controlled substance” has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

(4) “motor vehicle” means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on public streets, roads, or highways, but does not include a vehicle operated only on a rail line.

(5) “motor vehicle operator’s license” means a license issued by a State authorizing an individual to operate a motor vehicle on public streets, roads, or highways.

(6) “participating State” means a State that has notified the Secretary under section 30303 of this title of its participation in the National Driver Register.

(7) “State” means a State of the United States, the District of Columbia, Puerto Rico,

the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(8) “State of record” means a State that has given the Secretary a report under section 30304 of this title about an individual who is the subject of a request for information made under section 30305 of this title.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 973.)

#### HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large)                          |
|-----------------|--------------------|---|
| 30301 .....     | 23:401 (note).     | Oct. 25, 1982, Pub. L. 97–364, §202, 96 Stat. 1740. |

In clauses (4) and (5), the words “public streets, roads, or highways” are substituted for “highway” and “‘highway’ means any road or street” for consistency in the revised title.

In clause (4), the words “rail line” are substituted for “rail or rails” for consistency in the revised title.

The definitions of “Secretary”, “Register”, and “Register system” are omitted as surplus because the complete name of the Secretary of Transportation and the National Driver Register are used the first time the terms appear in a section.

#### TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

#### PROTECTION OF DOMESTIC VIOLENCE AND CRIME VICTIMS FROM CERTAIN DISCLOSURES OF INFORMATION

Pub. L. 109–162, title VIII, §827, Jan. 5, 2006, 119 Stat. 3066, provided that: “In developing regulations or guidance with regard to identification documents, including driver’s licenses, the Secretary of Homeland Security, in consultation with the Administrator of Social Security, shall consider and address the needs of victims, including victims of battery, extreme cruelty, domestic violence, dating violence, sexual assault, stalking or trafficking, who are entitled to enroll in State address confidentiality programs, whose addresses are entitled to be suppressed under State or Federal law or suppressed by a court order, or who are protected from disclosure of information pursuant to section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).”

#### IMPROVED SECURITY FOR DRIVERS’ LICENSES AND PERSONAL IDENTIFICATION CARDS

Pub. L. 110–177, title V, §508, Jan. 7, 2008, 121 Stat. 2543, provided that:

“(a) **MINIMUM DOCUMENT REQUIREMENTS.**—

“(1) **MINIMUM REQUIREMENTS.**—For purposes of section 202(b)(6) of the REAL ID Act of 2005 [div. B of Pub. L. 109–13] (49 U.S.C. 30301 note), a State may, in the case of an individual described in subparagraph (A) or (B) of paragraph (2), include in a driver’s license or other identification card issued to that individual by the State, the address specified in that subparagraph in lieu of the individual’s address of principle residence.

“(2) **INDIVIDUALS AND INFORMATION.**—The individuals and addresses referred to in paragraph (1) are the following:

“(A) In the case of a Justice of the United States, the address of the United States Supreme Court.

“(B) In the case of a judge of a Federal court, the address of the courthouse.

“(b) **VERIFICATION OF INFORMATION.**—For purposes of section 202(c)(1)(D) of the REAL ID Act of 2005 (49 U.S.C. 30301 note), in the case of an individual described

in subparagraph (A) or (B) of subsection (a)(2), a State need only require documentation of the address appearing on the individual's driver's license or other identification card issued by that State to the individual."

Pub. L. 109-13, div. B, title II, May 11, 2005, 119 Stat. 311, provided that:

"SEC. 201. DEFINITIONS.

"In this title, the following definitions apply:

"(1) DRIVER'S LICENSE.—The term 'driver's license' means a motor vehicle operator's license, as defined in section 30301 of title 49, United States Code.

"(2) IDENTIFICATION CARD.—The term 'identification card' means a personal identification card, as defined in section 1028(d) of title 18, United States Code, issued by a State.

"(3) OFFICIAL PURPOSE.—The term 'official purpose' includes but is not limited to accessing Federal facilities, boarding federally regulated commercial aircraft, entering nuclear power plants, and any other purposes that the Secretary shall determine.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

"(5) STATE.—The term 'State' means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

"SEC. 202. MINIMUM DOCUMENT REQUIREMENTS AND ISSUANCE STANDARDS FOR FEDERAL RECOGNITION.

"(a) MINIMUM STANDARDS FOR FEDERAL USE.—

"(1) IN GENERAL.—Beginning 3 years after the date of the enactment of this division [May 11, 2005], a Federal agency may not accept, for any official purpose, a driver's license or identification card issued by a State to any person unless the State is meeting the requirements of this section.

"(2) STATE CERTIFICATIONS.—The Secretary shall determine whether a State is meeting the requirements of this section based on certifications made by the State to the Secretary. Such certifications shall be made at such times and in such manner as the Secretary, in consultation with the Secretary of Transportation, may prescribe by regulation.

"(b) MINIMUM DOCUMENT REQUIREMENTS.—To meet the requirements of this section, a State shall include, at a minimum, the following information and features on each driver's license and identification card issued to a person by the State:

- "(1) The person's full legal name.
- "(2) The person's date of birth.
- "(3) The person's gender.
- "(4) The person's driver's license or identification card number.

- "(5) A digital photograph of the person.
- "(6) The person's address of principal residence.
- "(7) The person's signature.
- "(8) Physical security features designed to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes.

"(9) A common machine-readable technology, with defined minimum data elements.

"(c) MINIMUM ISSUANCE STANDARDS.—

"(1) IN GENERAL.—To meet the requirements of this section, a State shall require, at a minimum, presentation and verification of the following information before issuing a driver's license or identification card to a person:

"(A) A photo identity document, except that a non-photo identity document is acceptable if it includes both the person's full legal name and date of birth.

"(B) Documentation showing the person's date of birth.

"(C) Proof of the person's social security account number or verification that the person is not eligible for a social security account number.

"(D) Documentation showing the person's name and address of principal residence.

"(2) SPECIAL REQUIREMENTS.—

"(A) IN GENERAL.—To meet the requirements of this section, a State shall comply with the minimum standards of this paragraph.

"(B) EVIDENCE OF LAWFUL STATUS.—A State shall require, before issuing a driver's license or identification card to a person, valid documentary evidence that the person—

"(i) is a citizen or national of the United States;

"(ii) is an alien lawfully admitted for permanent or temporary residence in the United States;

"(iii) has conditional permanent resident status in the United States;

"(iv) has an approved application for asylum in the United States or has entered into the United States in refugee status;

"(v) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;

"(vi) has a pending application for asylum in the United States;

"(vii) has a pending or approved application for temporary protected status in the United States;

"(viii) has approved deferred action status; or

"(ix) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

"(C) TEMPORARY DRIVERS' LICENSES AND IDENTIFICATION CARDS.—

"(i) IN GENERAL.—If a person presents evidence under any of clauses (v) through (ix) of subparagraph (B), the State may only issue a temporary driver's license or temporary identification card to the person.

"(ii) EXPIRATION DATE.—A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall be valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year.

"(iii) DISPLAY OF EXPIRATION DATE.—A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date on which it expires.

"(iv) RENEWAL.—A temporary driver's license or temporary identification card issued pursuant to this subparagraph may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the temporary driver's license or temporary identification card has been extended by the Secretary of Homeland Security.

"(3) VERIFICATION OF DOCUMENTS.—To meet the requirements of this section, a State shall implement the following procedures:

"(A) Before issuing a driver's license or identification card to a person, the State shall verify, with the issuing agency, the issuance, validity, and completeness of each document required to be presented by the person under paragraph (1) or (2).

"(B) The State shall not accept any foreign document, other than an official passport, to satisfy a requirement of paragraph (1) or (2).

"(C) Not later than September 11, 2005, the State shall enter into a memorandum of understanding with the Secretary of Homeland Security to routinely utilize the automated system known as Systematic Alien Verification for Entitlements, as provided for by section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 [Pub. L. 104-208, div. C, 8 U.S.C. 1324a note] (110 Stat. 3009-664), to verify the legal presence status of a person, other than a United States citizen, applying for a driver's license or identification card.

"(d) OTHER REQUIREMENTS.—To meet the requirements of this section, a State shall adopt the following

practices in the issuance of drivers' licenses and identification cards:

“(1) Employ technology to capture digital images of identity source documents so that the images can be retained in electronic storage in a transferable format.

“(2) Retain paper copies of source documents for a minimum of 7 years or images of source documents presented for a minimum of 10 years.

“(3) Subject each person applying for a driver's license or identification card to mandatory facial image capture.

“(4) Establish an effective procedure to confirm or verify a renewing applicant's information.

“(5) Confirm with the Social Security Administration a social security account number presented by a person using the full social security account number. In the event that a social security account number is already registered to or associated with another person to which any State has issued a driver's license or identification card, the State shall resolve the discrepancy and take appropriate action.

“(6) Refuse to issue a driver's license or identification card to a person holding a driver's license issued by another State without confirmation that the person is terminating or has terminated the driver's license.

“(7) Ensure the physical security of locations where drivers' licenses and identification cards are produced and the security of document materials and papers from which drivers' licenses and identification cards are produced.

“(8) Subject all persons authorized to manufacture or produce drivers' licenses and identification cards to appropriate security clearance requirements.

“(9) Establish fraudulent document recognition training programs for appropriate employees engaged in the issuance of drivers' licenses and identification cards.

“(10) Limit the period of validity of all driver's licenses and identification cards that are not temporary to a period that does not exceed 8 years.

“(11) In any case in which the State issues a driver's license or identification card that does not satisfy the requirements of this section, ensure that such license or identification card—

“(A) clearly states on its face that it may not be accepted by any Federal agency for federal identification or any other official purpose; and

“(B) uses a unique design or color indicator to alert Federal agency and other law enforcement personnel that it may not be accepted for any such purpose.

“(12) Provide electronic access to all other States to information contained in the motor vehicle database of the State.

“(13) Maintain a State motor vehicle database that contains, at a minimum—

“(A) all data fields printed on drivers' licenses and identification cards issued by the State; and

“(B) motor vehicle drivers' histories, including motor vehicle violations, suspensions, and points on licenses.

#### “SEC. 203. TRAFFICKING IN AUTHENTICATION FEATURES FOR USE IN FALSE IDENTIFICATION DOCUMENTS.

“(a) CRIMINAL PENALTY.—[Amended section 1028 of Title 18, Crimes and Criminal Procedure.]

“(b) USE OF FALSE DRIVER'S LICENSE AT AIRPORTS.—

“(1) IN GENERAL.—The Secretary shall enter, into the appropriate aviation security screening database, appropriate information regarding any person convicted of using a false driver's license at an airport (as such term is defined in section 40102 of title 49, United States Code).

“(2) FALSE DEFINED.—In this subsection, the term ‘false’ has the same meaning such term has under section 1028(d) of title 18, United States Code.

#### “SEC. 204. GRANTS TO STATES.

“(a) IN GENERAL.—The Secretary may make grants to a State to assist the State in conforming to the minimum standards set forth in this title.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out this title.

#### “SEC. 205. AUTHORITY.

“(a) PARTICIPATION OF SECRETARY OF TRANSPORTATION AND STATES.—All authority to issue regulations, set standards, and issue grants under this title shall be carried out by the Secretary, in consultation with the Secretary of Transportation and the States.

“(b) EXTENSIONS OF DEADLINES.—The Secretary may grant to a State an extension of time to meet the requirements of section 202(a)(1) if the State provides adequate justification for noncompliance.

#### “SEC. 206. REPEAL.

“[Repealed section 7212 of Pub. L. 108-458, set out below.]

#### “SEC. 207. LIMITATION ON STATUTORY CONSTRUCTION.

“Nothing in this title shall be construed to affect the authorities or responsibilities of the Secretary of Transportation or the States under chapter 303 of title 49, United States Code.”

Pub. L. 108-458, title VII, §7212, Dec. 17, 2004, 118 Stat. 3827, which prohibited acceptance by a Federal agency, for any official purpose, of a driver's license or personal identification card issued by a State more than 2 years after the promulgation of minimum standards unless the driver's license or personal identification card conformed to such minimum standards, and directed the Secretary of Transportation, in consultation with the Secretary of Homeland Security, to establish such standards not later than 18 months after Dec. 17, 2004, was repealed by Pub. L. 109-13, div. B, title II, §206, May 11, 2005, 119 Stat. 316.

#### EVALUATION AND ASSESSMENT OF ALTERNATIVES

Pub. L. 105-178, title II, §2006(c), June 9, 1998, 112 Stat. 336, provided that:

“(1) EVALUATION.—The Secretary shall evaluate the implementation of chapter 303 of title 49, United States Code, and the programs under sections 31106 and 31309 of such title and identify alternatives to improve the ability of the States to exchange information about unsafe drivers and to identify drivers with multiple licenses.

“(2) TECHNOLOGY ASSESSMENT.—The Secretary, in conjunction with the American Association of Motor Vehicle Administrators, shall conduct an assessment of available electronic technologies to improve access to and exchange of motor vehicle driving records. The assessment may consider alternative unique motor vehicle driver identifiers that would facilitate accurate matching of drivers and their records.

“(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act [June 9, 1998], the Secretary shall transmit to Congress a report on the results of the evaluation and technology assessment, together with any recommendations for appropriate administrative and legislative actions.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (2) \$250,000 in the aggregate for fiscal years beginning after September 30, 1998.”

#### § 30302. National Driver Register

(a) ESTABLISHMENT AND CONTENTS.—The Secretary of Transportation shall establish as soon as practicable and maintain a National Driver Register to assist chief driver licensing officials of participating States in exchanging information about the motor vehicle driving records of individuals. The Register shall contain an index of the information reported to the Secretary under section 30304 of this title. The Register shall enable the Secretary (electronically or,

until all States can participate electronically, by United States mail)—

(1) to receive information submitted under section 30304 of this title by the chief driver licensing official of a State of record;

(2) to receive a request for information made by the chief driver licensing official of a participating State under section 30305 of this title;

(3) to refer the request to the chief driver licensing official of a State of record; and

(4) in response to the request, to relay information provided by a chief driver licensing official of a State of record to the chief driver licensing official of a participating State, without interception of the information.

(b) **ACCURACY OF INFORMATION.**—The Secretary is not responsible for the accuracy of information relayed to the chief driver licensing official of a participating State. However, the Secretary shall maintain the Register in a way that ensures against inadvertent alteration of information during a relay.

(c) **TRANSITION FROM PRIOR REGISTER.**—(1) The Secretary shall provide by regulation for the orderly transition from the register maintained under the Act of July 14, 1960 (Public Law 86-660, 74 Stat. 526), as restated by section 401 of the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89-563, 80 Stat. 730), to the Register maintained under this chapter.

(2)(A) The Secretary shall delete from the Register a report or information that was compiled under the Act of July 14, 1960 (Public Law 86-660, 74 Stat. 526), as restated by section 401 of the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89-563, 80 Stat. 730), and transferred to the Register, after the earlier of—

(i) the date the State of record removes it from the State's file;

(ii) 7 years after the date the report or information is entered in the Register; or

(iii) the date a fully electronic Register system is established.

(B) The report or information shall be disposed of under chapter 33 of title 44.

(3) If the chief driver licensing official of a participating State finds that information provided for inclusion in the Register is erroneous or is related to a conviction of a traffic offense that subsequently is reversed, the official immediately shall notify the Secretary. The Secretary shall provide for the immediate deletion of the information from the Register.

(d) **ASSIGNMENT OF PERSONNEL.**—In carrying out this chapter, the Secretary shall assign personnel necessary to ensure the effective operation of the Register.

(e) **TRANSFER OF SELECTED FUNCTIONS TO NON-FEDERAL MANAGEMENT.**—

(1) **AGREEMENT.**—The Secretary may enter into an agreement with an organization that represents the interests of the States to manage, administer, and operate the National Driver Register's computer timeshare and user assistance functions. If the Secretary decides to enter into such an agreement, the Secretary shall ensure that the management of these functions is compatible with this chapter and the regulations issued to implement this chapter.

(2) **REQUIRED DEMONSTRATION.**—Any transfer of the National Driver Register's computer timeshare and user assistance functions to an organization that represents the interests of the States shall begin only after a determination is made by the Secretary that all States are participating in the National Driver Register's "Problem Driver Pointer System" (the system used by the Register to effect the exchange of motor vehicle driving records) and that the system is functioning properly.

(3) **TRANSITION PERIOD.**—Any agreement entered into under this subsection shall include a provision for a transition period sufficient to allow the States to make the budgetary and legislative changes the States may need to pay fees charged by the organization representing their interests for their use of the National Driver Register's computer timeshare and user assistance functions. During this transition period, the Secretary shall continue to fund these transferred functions.

(4) **FEES.**—The total of the fees charged by the organization representing the interests of the States in any fiscal year for the use of the National Driver Register's computer timeshare and user assistance functions shall not exceed the total cost to the organization of performing these functions in such fiscal year.

(5) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this subsection may be construed to diminish, limit, or otherwise affect the authority of the Secretary to carry out this chapter.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 973; Pub. L. 105-178, title II, §2006(a), June 9, 1998, 112 Stat. 335.)

#### HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large)                           |
|-----------------|--------------------|--|
| 30302 .....     | 23:401 (note).     | Oct. 25, 1982, Pub. L. 97-364, § 203, 96 Stat. 1741. |

In subsection (a), before clause (1), the words "after the date of enactment of this title [Oct. 25, 1982]" are omitted as obsolete.

In subsection (c)(1), the words "The Secretary shall provide by regulation" are substituted for "The Secretary shall, within eighteen months after the date of enactment of this title [Oct. 25, 1982], promulgate a final rule which provides" to eliminate executed language, for consistency in the revised title, and because "rule" and "regulation" are synonymous.

The text of section 203(e) of the National Driver Register Act of 1982 (Public Law 97-364, 96 Stat. 1742) is omitted as unnecessary because of 49:322(a).

#### REFERENCES IN TEXT

Act of July 14, 1960, referred to in subsec. (c)(1), (2)(A), is set out below.

#### AMENDMENTS

1998—Subsec. (e). Pub. L. 105-178 added subsec. (e).

#### REGISTER OF REVOCATIONS OF MOTOR VEHICLE OPERATOR'S LICENSES

Pub. L. 86-660, July 14, 1960, 74 Stat. 526, as amended by Pub. L. 87-359, Oct. 4, 1961, 75 Stat. 779; Pub. L. 89-563, title IV, §401, Sept. 9, 1966, 80 Stat. 730, provided: "That the Secretary of Commerce shall establish and maintain a register identifying each individual reported to him by a State, or political subdivision there-

of, as an individual with respect to whom such State or political subdivision has denied, terminated, or temporarily withdrawn (except a withdrawal for less than six months based on a series of nonmoving violations) an individual's license or privilege to operate a motor vehicle.

“SEC. 2. Only at the request of a State, a political subdivision thereof, or a Federal department or agency, shall the Secretary furnish information contained in the register established under the first section of this Act, and such information shall be furnished only to the requesting party and only with respect to an individual applicant for a motor vehicle operator's license or permit.

“SEC. 3. As used in this Act, the term ‘State’ includes each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands, the Canal Zone, and American Samoa.”

### § 30303. State participation

(a) NOTIFICATION.—A State may become a participating State under this chapter by notifying the Secretary of Transportation of its intention to be bound by section 30304 of this title.

(b) WITHDRAWAL.—A participating State may end its status as a participating State by notifying the Secretary of its withdrawal from participation in the National Driver Register.

(c) FORM AND WAY OF NOTIFICATION.—Notification by a State under this section shall be made in the form and way the Secretary prescribes by regulation.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 974.)

#### HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i>                   |
|------------------------|---------------------------|---|
| 30303 .....            | 23:401 (note).            | Oct. 25, 1982, Pub. L. 97-364, §204, 96 Stat. 1742. |

In subsection (c), the words “in the form and way” are substituted for “in such form, and according to such procedures” to eliminate unnecessary words.

### § 30304. Reports by chief driver licensing officials

(a) INDIVIDUALS COVERED.—As soon as practicable, the chief driver licensing official of each participating State shall submit to the Secretary of Transportation a report containing the information specified by subsection (b) of this section for each individual—

(1) who is denied a motor vehicle operator's license by that State for cause;

(2) whose motor vehicle operator's license is revoked, suspended, or canceled by that State for cause; or

(3) who is convicted under the laws of that State of any of the following motor vehicle-related offenses or comparable offenses:

(A) operating a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance.

(B) a traffic violation arising in connection with a fatal traffic accident, reckless driving, or racing on the highways.

(C) failing to give aid or provide identification when involved in an accident resulting in death or personal injury.

(D) perjury or knowingly making a false affidavit or statement to officials about activities governed by a law or regulation on the operation of a motor vehicle.

(b) CONTENTS.—(1) Except as provided in paragraph (2) of this subsection, a report under subsection (a) of this section shall contain—

(A) the individual's legal name, date of birth, sex, and, at the Secretary's discretion, height, weight, and eye and hair color;

(B) the name of the State providing the information; and

(C) the social security account number if used by the State for driver record or motor vehicle license purposes, and the motor vehicle operator's license number if different from the social security account number.

(2) A report under subsection (a) of this section about an event that occurs during the 2-year period before the State becomes a participating State is sufficient if the report contains all of the information that is available to the chief driver licensing official when the State becomes a participating State.

(c) TIME FOR FILING.—If a report under subsection (a) of this section is about an event that occurs—

(1) during the 2-year period before the State becomes a participating State, the report shall be submitted not later than 6 months after the State becomes a participating State; or

(2) after the State becomes a participating State, the report shall be submitted not later than 31 days after the motor vehicle department of the State receives any information specified in subsection (b)(1) of this section that is the subject of the report.

(d) EVENTS OCCURRING BEFORE PARTICIPATION.—This section does not require a State to report information about an event that occurs before the 2-year period before the State becomes a participating State.

(e) DRIVER RECORD INQUIRY.—Before issuing a motor vehicle operator's license to an individual or renewing such a license, a State shall request from the Secretary information from the National Driver Register under section 30302 and the commercial driver's license information system under section 31309 on the individual's driving record.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 975; Pub. L. 106-159, title II, §204, Dec. 9, 1999, 113 Stat. 1762.)

#### HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i>                   |
|------------------------|---------------------------|---|
| 30304 .....            | 23:401 (note).            | Oct. 25, 1982, Pub. L. 97-364, §205, 96 Stat. 1742. |

In subsection (a), before clause (1), the words “after the date of enactment of this title [Oct. 25, 1982]” are omitted as obsolete.

In subsection (b)(1)(A), the words “(including day, month, and year)” are omitted as surplus.

In subsection (b)(2), the words “A report under subsection (a) of this section” are substituted for “any report concerning an occurrence specified in subsection (a)(1), (2), or (3) of this section” to eliminate unnecessary words.

In subsection (c), before clause (1), the words “required to be transmitted by a chief driver licensing official of a State” are omitted as surplus. In clause (1), the words “specified in subsection (a)(1), (2), or (3) of this section” are omitted as surplus. In clause (2), the words “the motor vehicle department of the State re-

ceives any information specified in subsection (b)(1) of this section that is the subject of the report” are substituted for “receipt by a State motor vehicle department of any information specified in subsection (b)(1), (2), or (3) of this section which is the subject of such report” because of the restatement.

#### AMENDMENTS

1999—Subsec. (e), Pub. L. 106-159 added subsec. (e).

### § 30305. Access to Register information

(a) REFERRALS OF INFORMATION REQUESTS.—(1) To carry out duties related to driver licensing, driver improvement, or transportation safety, the chief driver licensing official of a participating State may request the Secretary of Transportation to refer, electronically or by United States mail, a request for information about the motor vehicle driving record of an individual to the chief driver licensing official of a State of record.

(2) The Secretary of Transportation shall relay, electronically or by United States mail, information received from the chief driver licensing official of a State of record in response to a request under paragraph (1) of this subsection to the chief driver licensing official of the participating State requesting the information. However, the Secretary may refuse to relay information to the chief driver licensing official of a participating State that does not comply with section 30304 of this title.

(b) REQUESTS TO OBTAIN INFORMATION.—(1) The Chairman of the National Transportation Safety Board and the Administrator of the Federal Highway Administration may request the chief driver licensing official of a State to obtain information under subsection (a) of this section about an individual who is the subject of an accident investigation conducted by the Board or the Administrator. The Chairman and the Administrator may receive the information.

(2) An individual who is employed, or is seeking employment, as a driver of a motor vehicle may request the chief driver licensing official of the State in which the individual is employed or seeks employment to provide information about the individual under subsection (a) of this section to the individual's employer or prospective employer. An employer or prospective employer may receive the information and shall make the information available to the individual. Information may not be obtained from the National Driver Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(3) An individual who has received, or is applying for, an airman's certificate may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Administrator of the Federal Aviation Administration. The Administrator may receive the information and shall make the information available to the individual for review and written comment. The Administrator may use the information to verify information required to be reported to the Administrator by an airman applying for an airman medical certificate and to evaluate whether

the airman meets the minimum standards prescribed by the Administrator to be issued an airman medical certificate. The Administrator may not otherwise divulge or use the information. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(4) An individual who is employed, or is seeking employment, by a rail carrier as an operator of a locomotive may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the individual's employer or prospective employer or to the Secretary of Transportation. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(5) An individual who holds, or is applying for, a license or certificate of registry under section 7101 of title 46, or a merchant mariner's document under section 7302 of title 46, may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Secretary of the department in which the Coast Guard is operating. The Secretary may receive the information and shall make the information available to the individual for review and written comment before denying, suspending, or revoking the license, certificate, or document of the individual based on the information and before using the information in an action taken under chapter 77 of title 46. The Secretary may not otherwise divulge or use the information, except for purposes of section 7101, 7302, or 7703 of title 46. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(6) The head of a Federal department or agency that issues motor vehicle operator's licenses may request the chief driver licensing official of a State to obtain information under subsection (a) of this section about an individual applicant for a motor vehicle operator's license from such department or agency. The department or agency may receive the information, provided it transmits to the Secretary a report regarding any individual who is denied a motor vehicle operator's license by that department or agency for cause; whose motor vehicle operator's license is revoked, suspended, or canceled by that department or agency for cause; or about whom the department or agency has been notified of a conviction of any of the motor vehicle-related offenses or comparable offenses listed in section 30304(a)(3) and over whom the department or agency has licensing authority. The report shall contain the information specified in section 30304(b).

(7) An individual who is an officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet

or an applicant for appointment or enlistment of any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Commandant of the Coast Guard. The Commandant may receive the information and shall make the information available to the individual. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(8) An individual who is seeking employment by an air carrier as a pilot may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the prospective employer of the individual or to the Secretary of Transportation. Information may not be obtained from the National Driver Register under this subsection if the information was entered in the Register more than 5 years before the request unless the information is about a revocation or suspension still in effect on the date of the request.

(9) An individual who has or is seeking access to national security information for purposes of Executive Order No. 12968, or any successor Executive order, or an individual who is being investigated for Federal employment under authority of Executive Order No. 10450, or any successor Executive order, may request the chief driver licensing official of a State to provide information about the individual pursuant to subsection (a) of this section to a Federal department or agency that is authorized to investigate the individual for the purpose of assisting in the determination of the eligibility of the individual for access to national security information or for Federal employment in a position requiring access to national security information. A Federal department or agency that receives information about an individual under the preceding sentence may use such information only for purposes of the authorized investigation and only in accordance with applicable law.

(10) A request under this subsection shall be made in the form and way the Secretary of Transportation prescribes by regulation.

(11) An individual may request the chief driver licensing official of a State to obtain information about the individual under subsection (a) of this section—

- (A) to learn whether information about the individual is being provided;
- (B) to verify the accuracy of the information; or
- (C) to obtain a certified copy of the information.

(12) The head of a Federal department or agency authorized to receive information regarding an individual from the Register under this section may request and receive such information from the Secretary.

(c) **RELATIONSHIP TO OTHER LAWS.**—A request for, or receipt of, information from the Register is subject to sections 552 and 552a of title 5, and other applicable laws of the United States or a State, except that—

(1) the Secretary of Transportation may not relay or otherwise provide information specified in section 30304(b)(1)(A) or (C) of this title to a person not authorized by this section to receive the information;

(2) a request for, or receipt of, information by a chief driver licensing official, or by a person authorized by subsection (b) of this section to request and receive the information, is deemed to be a routine use under section 552a(b) of title 5; and

(3) receipt of information by a person authorized by this section to receive the information is deemed to be a disclosure under section 552a(c) of title 5, except that the Secretary of Transportation is not required to retain the accounting made under section 552a(c)(1) for more than 7 years after the disclosure.

(d) **AVAILABILITY OF INFORMATION PROVIDED UNDER PRIOR LAW.**—Information provided by a State under the Act of July 14, 1960 (Public Law 86-660, 74 Stat. 526), as restated by section 401 of the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89-563, 80 Stat. 730), and under this chapter, shall be available under this section during the transition from the register maintained under that Act to the Register maintained under this chapter.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 976; Pub. L. 104-264, title V, §502(b), Oct. 9, 1996, 110 Stat. 3262; Pub. L. 104-324, title II, §207(b), Oct. 19, 1996, 110 Stat. 3908; Pub. L. 105-102, §2(18), Nov. 20, 1997, 111 Stat. 2205; Pub. L. 105-178, title II, §2006(b), June 9, 1998, 112 Stat. 335; Pub. L. 108-375, div. A, title X, §1061, Oct. 28, 2004, 118 Stat. 2056.)

HISTORICAL AND REVISION NOTES  
PUB. L. 103-272

| Revised Section | Source (U.S. Code) | Source (Statutes at Large)   |
|-----------------|--------------------|--|
| 30305 .....     | 23:401 (note).     | Oct. 25, 1982, Pub. L. 97-364, §206, 96 Stat. 1743; Dec. 30, 1987, Pub. L. 100-223, §305, 101 Stat. 1525; June 22, 1988, Pub. L. 100-342, §4(b), 102 Stat. 626; Aug. 18, 1990, Pub. L. 101-380, §4105(a), 104 Stat. 512. |

In subsection (a)(1), the words “on and after the date of enactment of this title [Oct. 25, 1982]” are omitted as obsolete.

In subsection (b)(1), the word “Administrator” is substituted for “Bureau of Motor Carrier Safety” for consistency.

Subsection (d) is substituted for the last 2 sentences (added twice by mistake) in paragraphs (1) and (2) and for the last sentence in paragraphs (3), (4), and (7)(C) of section 206(b) of the National Driver Register Act of 1982 (Public Law 97-364, 96 Stat. 1744) for clarity and to avoid repeating the provision unnecessarily.

PUB. L. 105-102, §2(18)(A)

This amends 49:30305(b)(8), as redesignated by section 207(b) of the Coast Guard Authorization Act of 1996 (Public Law 104-324, 110 Stat. 3908), to correct an erroneous cross-reference.

PUB. L. 105-102, §2(18)(B)

This amends 49:30305(b) to redesignate paragraph (8), as redesignated by section 502(b)(1) of the Federal Aviation Reauthorization Act of 1996 (Public Law 104-264, 110 Stat. 3262), as paragraph (9), because section 207(b)

of the Coast Guard Authorization Act of 1996 (Public Law 104-324, 110 Stat. 3908), redesignated paragraph (7) as paragraph (8) but did not redesignate paragraph (8) as paragraph (9).

#### REFERENCES IN TEXT

Executive Order No. 12968, referred to in subsec. (b)(9), is set out as a note under section 435 of Title 50, War and National Defense.

Executive Order No. 10450, referred to in subsec. (b)(9), is set out as a note under section 7311 of Title 5, Government Organization and Employees.

Act of July 14, 1960, referred to in subsec. (d), is set out as a note under section 30302 of this title.

#### AMENDMENTS

2004—Subsec. (b)(9) to (12). Pub. L. 108-375 added par. (9) and redesignated former pars. (9) to (11) as (10) to (12), respectively.

1998—Subsec. (b)(2). Pub. L. 105-178, §2006(b)(1)(A), inserted before period at end “, unless the information is about a revocation or suspension still in effect on the date of the request”.

Subsec. (b)(6). Pub. L. 105-178, §2006(b)(2)(B), added par. (6). Former par. (6) redesignated (10).

Subsec. (b)(8). Pub. L. 105-178, §2006(b)(1)(C), directed amendment identical to that made by Pub. L. 105-102, §2(18)(B). See 1997 Amendment note below.

Pub. L. 105-178, §2006(b)(1)(B)(ii), realigned margins.

Pub. L. 105-178, §2006(b)(1)(B)(i), directed amendment identical to that made by Pub. L. 105-102, §2(18)(A). See 1997 Amendment note below.

Subsec. (b)(9). Pub. L. 105-178, §2006(b)(1)(C), directed amendment identical to that made by Pub. L. 105-102, §2(18)(B). See 1997 Amendment note below.

Subsec. (b)(10). Pub. L. 105-178, §2006(b)(2)(A), redesignated par. (6) as (10) and transferred it to appear after par. (9).

Subsec. (b)(11). Pub. L. 105-178, §2006(b)(2)(C), added par. (11).

1997—Subsec. (b)(8). Pub. L. 105-102, §2(18)(B), redesignated par. (8), relating to request, as (9).

Pub. L. 105-102, §2(18)(A), in par. (8), relating to individual seeking employment as pilot, substituted “subsection (a) of this section” for “paragraph (2)”.

Subsec. (b)(9). Pub. L. 105-102, §2(18)(B), redesignated par. (8), relating to request, as (9).

1996—Subsec. (b)(7). Pub. L. 104-324, §207(b), added par. (7). Former par. (7), relating to individual seeking employment as pilot, redesignated (8).

Pub. L. 104-264, §502(b), added par. (7). Former par. (7), relating to request, redesignated (8).

Subsec. (b)(8). Pub. L. 104-324, §207(b), redesignated par. (7), relating to individual seeking employment as pilot, as (8).

Pub. L. 104-264, §502(b), redesignated par. (7), relating to request, as (8).

#### EFFECTIVE DATE OF 1996 AMENDMENT

Except as otherwise specifically provided, amendment by Pub. L. 104-264 applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104-264, set out as a note under section 106 of this title.

Section 502(d) of Pub. L. 104-264 provided that: “The amendments made by this section [amending this section and sections 44936 and 46301 of this title] shall apply to any air carrier hiring an individual as a pilot whose application was first received by the carrier on or after the 120th day following the date of the enactment of this Act [Oct. 9, 1996].”

#### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections

468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

### § 30306. National Driver Register Advisory Committee

(a) ORGANIZATION.—There is a National Driver Register Advisory Committee.

(b) DUTIES.—The Committee shall advise the Secretary of Transportation on—

(1) the efficiency of the maintenance and operation of the National Driver Register; and

(2) the effectiveness of the Register in assisting States in exchanging information about motor vehicle driving records.

(c) COMPOSITION AND APPOINTMENT.—The Committee is composed of 15 members appointed by the Secretary as follows:

(1) 3 members appointed from among individuals who are specially qualified to serve on the Committee because of their education, training, or experience, and who are not officers or employees of the United States Government or a State.

(2) 3 members appointed from among groups outside the Government that represent the interests of bus and trucking organizations, enforcement officials, labor, or safety organizations.

(3) 9 members, geographically representative of the participating States, appointed from among individuals who are chief driver licensing officials of participating States.

(d) TERMS.—(1) Except as provided in paragraph (2) of this subsection, the term of each member is 3 years.

(2) A vacancy on the Committee shall be filled in the same way as an original appointment. A member appointed to fill a vacancy serves for the remainder of the term of that member's predecessor. After a member's term ends, the member may continue to serve until a successor takes office.

(e) PAY AND EXPENSES.—Members of the Committee serve without pay. However, the Secretary may reimburse a member for reasonable travel expenses incurred by the member in attending meetings of the Committee.

(f) MEETINGS, CHAIRMAN, VICE CHAIRMAN, AND QUORUM.—(1) The Committee shall meet at least once a year.

(2) The Committee shall elect a Chairman and a Vice Chairman from among its members.

(3) Eight members are a quorum.

(4) The Committee shall meet at the call of the Chairman or a majority of the members.

(g) PERSONNEL AND SERVICES.—The Secretary may provide the Committee with personnel, penalty mail privileges, and similar services the Secretary considers necessary to assist the Committee in carrying out its duties and powers under this section.

(h) REPORTS.—At least once a year, the Committee shall submit to the Secretary a report on the matters specified in subsection (b) of this section. The report shall include any recommendations of the Committee for changes in the Register.

(i) RELATIONSHIP TO OTHER LAWS.—The Committee is exempt from sections 10(e) and (f) and



14 of the Federal Advisory Committee Act (5 App. U.S.C.).

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 978.)

#### HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i>                   |
|------------------------|---------------------------|---|
| 30306 .....            | 23:401 (note).            | Oct. 25, 1982, Pub. L. 97–364, §209, 96 Stat. 1746. |

In subsection (a), the word “hereby” is omitted as surplus.

In subsection (c), the text of section 209(c)(2) of the National Driver Register Act of 1982 (Public Law 97–364, 96 Stat. 1746) is omitted as executed.

In subsection (g), the words “The Secretary may provide the Committee” are substituted for “The Advisory Committee may receive from the Secretary” for clarity.

In subsection (h), the cross-reference is used to avoid repeating the same language twice in this section.

#### REFERENCES IN TEXT

Sections 10 and 14 of the Federal Advisory Committee Act, referred to in subsec. (i), are sections 10 and 14 of Pub. L. 92–463, which are set out in the Appendix to Title 5, Government Organization and Employees.

### § 30307. Criminal penalties

(a) GENERAL PENALTY.—A person (except an individual described in section 30305(b)(6)<sup>1</sup> of this title) shall be fined under title 18, imprisoned for not more than one year, or both, if—

(1) the person receives under section 30305 of this title information specified in section 30304(b)(1)(A) or (C) of this title;

(2) disclosure of the information is not authorized by section 30305 of this title; and

(3) the person willfully discloses the information knowing that disclosure is not authorized.

(b) INFORMATION PENALTY.—A person knowingly and willfully requesting, or under false pretenses obtaining, information specified in section 30304(b)(1)(A) or (C) of this title from a person receiving the information under section 30305 of this title shall be fined under title 18, imprisoned for not more than one year, or both.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 979.)

#### HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i>   |
|------------------------|---------------------------|---|
| 30307 .....            | 23:401 (note).            | Oct. 25, 1982, Pub. L. 97–364, §208, 96 Stat. 1746; Dec. 30, 1987, Pub. L. 100–223, §305(b)(1), 101 Stat. 1526. |

In this section, the words “fined under title 18” are substituted for “fined not more than \$10,000” for consistency with title 18.

In subsection (a), before clause (1), the reference to “section 30305(b)(6) of this title” is used to carry out the probable intent of Congress. Section 305(b)(1) of the Airport and Airway Safety and Capacity Expansion Act of 1987 (Public Law 100–223, 101 Stat. 1526) amended section 206(b) of the National Driver Register Act of 1982 (Public Law 97–364, 96 Stat. 1744) by “redesignating paragraphs (3) and (4), and any reference thereto, as paragraphs (4) and (5), respectively”. Because the reference to “section 206(b)(4)” in section 208 of the National Driver Register Act of 1982 appears to have been

incorrect before that amendment, and would continue to be incorrect if the reference is redesignated as required by the amendment, a reference to section 30305(b)(6) is used in this section to carry out the probable intent of Congress.

#### REFERENCES IN TEXT

Section 30305(b) of this title, referred to in subsec. (a), was amended by Pub. L. 105–178, title II, §2006(b)(2)(A), (B), June 9, 1998, 112 Stat. 336, which added a new par. (6) and redesignated former par. (6) as (10).

### § 30308. Authorization of appropriations

(a) GENERAL.—The Secretary of Transportation shall make available from amounts made available to carry out section 402 of title 23 \$4,000,000 for each of the fiscal years ending September 30, 1993, and September 30, 1994, \$2,550,000 for each of fiscal years 1995, 1996, and 1997, and \$1,855,000 for the period of October 1, 1997, through March 31, 1998, to carry out this chapter.

(b) AVAILABILITY OF AMOUNTS.—Amounts authorized under this section remain available until expended.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 979; Pub. L. 103–331, title III, §343, Sept. 30, 1994, 108 Stat. 2496; Pub. L. 103–429, §6(25), Oct. 31, 1994, 108 Stat. 4380; Pub. L. 104–59, title III, §343, Nov. 28, 1995, 109 Stat. 610; Pub. L. 104–287, §5(59), Oct. 11, 1996, 110 Stat. 3394; Pub. L. 105–18, title II, §8004, June 12, 1997, 111 Stat. 195; Pub. L. 105–130, §6(c), Dec. 1, 1997, 111 Stat. 2559.)

#### HISTORICAL AND REVISION NOTES

##### PUB. L. 103–272

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i>  |
|------------------------|---------------------------|--|
| 30308 .....            | 23:401 (note).            | Oct. 25, 1982, Pub. L. 97–364, §211, 96 Stat. 1747; Dec. 18, 1991, Pub. L. 102–240, §2007, 105 Stat. 2080. |

In subsection (a), the text of section 211(a) of the National Driver Register Act of 1982 (Public Law 97–364, 96 Stat. 1747) is omitted as executed. The words “and the provisions of Public Law 86–660 (74 Stat. 526)” and references to fiscal years 1983–1987 and 1992 are omitted as obsolete. The word “section” in the source provision is translated as if it were “title” to reflect the apparent intent of Congress.

##### PUB. L. 103–429

This amends 49:30308(b) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 979).

##### PUB. L. 104–287

This amends 49:30308 to correct a grammatical error.

#### AMENDMENTS

1997—Subsec. (a). Pub. L. 105–130 substituted “1994,” for “1994, and” and inserted “and \$1,855,000 for the period of October 1, 1997, through March 31, 1998,” after “1997.”

Pub. L. 105–18 substituted “, 1996, and 1997” for “and 1996”.

1996—Subsec. (a). Pub. L. 104–287 inserted a comma after “September 30, 1994”.

1995—Subsec. (a). Pub. L. 104–59 substituted “and \$2,550,000 for each of fiscal years 1995 and 1996” for “and \$2,550,000 for fiscal year 1995”.

1994—Subsec. (a). Pub. L. 103–331 inserted “and \$2,550,000 for fiscal year 1995” after “1994”.

Subsec. (b). Pub. L. 103–429 substituted “authorized” for “appropriated”.

<sup>1</sup> See References in Text note below.

## EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

### CHAPTER 305—NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM

|        |  |
|--------|--|
| Sec.   |  |
| 30501. | Definitions.                                     |
| 30502. | National Motor Vehicle Title Information System. |
| 30503. | State participation.                             |
| 30504. | Reporting requirements.                          |
| 30505. | Penalties and enforcement.                       |

## AMENDMENTS

1997—Pub. L. 105-102, §3(b), Nov. 20, 1997, 111 Stat. 2215, amended directory language of Pub. L. 104-152. See 1996 Amendment note below.

1996—Pub. L. 104-152, §2(c), July 2, 1996, 110 Stat. 1384, as amended by Pub. L. 105-102, §3(b), Nov. 20, 1997, 111 Stat. 2215, substituted “National Motor Vehicle Title Information System” for “National Automobile Title Information System” in chapter heading and in item 30502.

#### § 30501. Definitions

In this chapter—

(1) “automobile” has the same meaning given that term in section 32901(a) of this title.

(2) “certificate of title” means a document issued by a State showing ownership of an automobile.

(3) “insurance carrier” means an individual or entity engaged in the business of underwriting automobile insurance.

(4) “junk automobile” means an automobile that—

(A) is incapable of operating on public streets, roads, and highways; and

(B) has no value except as a source of parts or scrap.

(5) “junk yard” means an individual or entity engaged in the business of acquiring or owning junk automobiles for—

(A) resale in their entirety or as spare parts; or

(B) rebuilding, restoration, or crushing.

(6) “operator” means the individual or entity authorized or designated as the operator of the National Motor Vehicle Title Information System under section 30502(b) of this title, or the Attorney General, if there is no authorized or designated individual or entity.

(7) “salvage automobile” means an automobile that is damaged by collision, fire, flood, accident, trespass, or other event, to the extent that its fair salvage value plus the cost of repairing the automobile for legal operation on public streets, roads, and highways would be more than the fair market value of the automobile immediately before the event that caused the damage.

(8) “salvage yard” means an individual or entity engaged in the business of acquiring or owning salvage automobiles for—

(A) resale in their entirety or as spare parts; or

(B) rebuilding, restoration, or crushing.

(9) “State” means a State of the United States or the District of Columbia.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 979; Pub. L. 104-152, §§2(c), 3(a), July 2, 1996, 110 Stat. 1384; Pub. L. 105-102, §3(b), Nov. 20, 1997, 111 Stat. 2215.)

## HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i>                     |
|------------------------|---------------------------|---|
| 30501 .....            | 15:2041.                  | Oct. 25, 1992, Pub. L. 102-519, §201, 106 Stat. 3389. |

In subsection (a)(2), the word “showing” is substituted for “evidencing” to use a more commonly understood term.

In subsection (a)(3), (5), and (8), the words “individual or entity” are substituted for “individual, corporation, or other entity” for clarity and consistency in the revised title and with other titles of the United States Code.

In subsection (a)(4) and (7), the words “public streets, roads, and highways” are substituted for “roads or highways” for clarity and consistency in the revised title.

In subsection (a)(6), the words “National Automobile Title Information System” are substituted for “information system” for clarity. The words “no authorized or designated individual or entity” are substituted for “no such individual or entity is authorized” for clarity.

In subsection (a)(7), the word “event” is substituted for “occurrence” for clarity and consistency.

The text of 15:2041(9) is omitted because the complete title of the Secretary of Transportation is used the first time the term appears in a section.

## AMENDMENTS

1997—Par. (6). Pub. L. 105-102 amended directory language of Pub. L. 104-152, §2(c). See 1996 Amendment note below.

1996—Par. (6). Pub. L. 104-152, §3(a), substituted “Attorney General” for “Secretary of Transportation”.

Pub. L. 104-152, §2(c), as amended by Pub. L. 105-102, §3(b), substituted “National Motor Vehicle Title Information System” for “National Automobile Title Information System”.

## EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105-102, §3(b), Nov. 20, 1997, 111 Stat. 2215, provided that the amendment made by section 3(b) is effective July 2, 1996.

Amendment by Pub. L. 105-102 effective as if included in the provisions of the Act to which the amendment relates, see section 3(f) of Pub. L. 105-102, set out as a note under section 106 of this title.

#### § 30502. National Motor Vehicle Title Information System

(a) ESTABLISHMENT OR DESIGNATION.—(1) In cooperation with the States and not later than December 31, 1997, the Attorney General shall establish a National Motor Vehicle Title Information System that will provide individuals and entities referred to in subsection (e) of this section with instant and reliable access to information maintained by the States related to automobile titling described in subsection (d) of this section. However, if the Attorney General decides that the existing information system meets the requirements of subsections (d) and (e) of this section and will permit the Attorney General to carry out this chapter as early as possible, the Attorney General, in consultation with the Secretary of Transportation, may designate an existing information system as the National Motor Vehicle Title Information System.